

MOTION INFORMATION STATEMENT

Docket Number(s): 14-903-cr Caption [use short title] _____
Motion for: Extension of briefing deadline US v. Gioeli, et al.

Set forth below precise, complete statement of relief sought:

Defendants-Appellants request a 30-day extension
of the February 9, 2015 briefing deadline in order
to allow for additional time to reply

MOVING PARTY: Thomas Gioeli and Dino Saracino OPPOSING PARTY: United States
☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Adam Perlmutter OPPOSING ATTORNEY: Elizabeth Geddes
[name of attorney, with firm, address, phone number and e-mail]
Perlmutter & McGuinness, P.C. United States Attorney's Office for the EDNY
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(212) 679-1990 adp@pmlawnyc.com (718) 254-6430 elizabeth.geddes@usdoj.gov

Court/Judge/Agency appealed from: E.D.N.Y. (Cogan, J.)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☒ Yes ☐ No (explain): _____

Opposing counsel's position on motion:
☒ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☒ No ☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No
Has this relief been previously sought in this Court? ☐ Yes ☐ No
Requested return date and explanation of emergency: _____

Is oral argument on motion requested? ☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No If yes, enter date: _____

Signature of Moving Attorney:  Date: 2/6/15 Service by: ☒ CM/ECF ☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA,

-against -

Case No. 14-903

THOMAS GIOELI, and
DINO SARACINO,

**DECLARATION OF ADAM D.
PERLMUTTER, ESQ.**

Defendant.

-----X

I, ADAM D. PERLMUTTER, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am the attorney for Defendant-Appellant THOMAS GIOELI in the above-captioned matter.
 2. I submit this declaration in support of Defendants-Appellants' motion for a 30-day extension of the deadline for a reply brief under Local Rule 27.1(f).
 3. Appellee filed its opposition brief on January 26, 2015.
 4. Accordingly, pursuant to Local Rule 31.1(a)(2), Defendants-Appellant's reply brief is presently due on February 9, 2015. The court did not previously set an express deadline for the reply brief.
 5. Defendants-Appellants, however, require more time to reply.
- Appellee's brief, prepared by the United State Attorney's Office of the Eastern

District raises numerous complex points of law that need to be thoroughly researched. Additionally, Appellee filed, with the consent of the Defendants-Appellants, an over-sized brief and the timelines for the alleged acts in the underlying conviction spans over years, and extends back to 1991.

6. Moreover, I need to conference in person with my client regarding the reply. Mr. Gioeli is currently incarcerated in FCI Butner Low in Butner, North Carolina. I will have to travel to North Carolina to confer with Mr. Gioeli on a draft of the reply.

7. Samuel Braverman, counsel for DINO SARACINO, informs me that he also requests an extension of time to reply because of pressing obligations to other courts. Specifically, Mr. Braverman informs me that he just yesterday finished a six-week federal trial and previously a three-week federal trial in December, and has two sentencing memoranda as well as two post-trial motions due in the next week.

8. For the reasons stated above, it would be impossible for Defendants-Appellants to adequately respond to the Appellee's arguments by the deadline set forth in the Local Rule.

9. No prior motion for an extension of time to file the reply brief has been filed.

10. The new due date would be Wednesday, March 11, 2015.

11. I have contacted opposing counsel, and they do not object to the proposed extension. Opposing counsel does not intend to file a response to the instant motion.

WHEREFORE, the deadline to file Defendants-Appellants reply briefs should be extended by 30 days. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: New York, New York
February 6, 2015



ADAM D. PERLMUTTER